REMARKS

Claims 1-13, 15-19 and 21-23 were pending in the Application. Claim 1 is an independent claim and claims 2-13 and 15 depend there from. Claim 16 is an independent claim and claims 17-19 and 21-23 depend there from. Applicant respectfully requests reconsideration of the application in light of the following remarks.

Rejections Under 35 U.S.C. §103(a) – Jiang, Boland and Schuster

Claims 1-2, 5-8, 12-13, 15-19 and 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jiang et al. (U.S. Patent No. 6,901,362, hereinafter "Jiang") in view of Boland (U.S. Patent No. 7,171,357) and further in view of Schuster et al. (U.S. Patent No. 6,151,636, hereinafter "Schuster"). The Applicant respectfully traverses the rejection for at least the following reasons.

Regarding claim 1, Applicant respectfully submits that the proposed combination of references fails to teach, suggest, or disclose at least, for example, "classifying the audio signal based upon the comparison, wherein classifying the audio signal further comprises turning on a flag in a header of a packet of digital audio information, wherein the flag provides an indication of classification of the audio signal based upon comparison of the ratio and the threshold value," as set forth in Applicant's independent claim 1.

The Applicant appreciates the Examiner's recognition that "Jiang et al. in view of Boland does not disclose wherein classifying the audio signal further comprises turning on a flag in a header of a packet of digital audio information, wherein the flag provides an indication of classification of the audio signal based upon comparison of the ratio and the threshold value." (Office Action, Page 3, Lines 13-16). However, the Applicant disagrees with the Office Action's characterization that "Schuster et al. discloses a voice detection system that uses a header of a packet as an indicator (see col. 1, lines 59-67)."

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(Office Action, Page 3, Lines 17-18). Nowhere in Schuster is there any mention of a voice detection system. Rather, Schuster discloses a method and apparatus for improving the speed and quality of data communication through a packet switched network." (Schuster, Column 1, Lines 23-25).

Further, nowhere in Schuster is there any mention of "wherein classifying the audio signal further comprises turning on a flag in a header of a packet of digital audio information, wherein the flag provides an indication of classification of the audio signal based upon comparison of the ratio and the threshold value." Rather, the cited section of Schuster states that "TCP adds to each of these packages a 20 byte header, which includes overhead information such as a source port number, a destination port number and a sequence number designed to allow the receiving end to properly reassemble the datagrams into the original message." (Schuster, Column 1, Lines 61-66). Schuster's disclosure of adding source and destination header information to a datagram is different than "classifying the audio signal based upon the comparison, wherein classifying the audio signal further comprises turning on a flag in a header of a packet of digital audio information, wherein the flag provides an indication of classification of the audio signal based upon comparison of the ratio and the threshold value," as set forth in Applicant's independent claim 1. The source and destination header information disclosed in Schuster is "information required by TCP/IP for transmission over the Internet" (Schuster, Column 2, Lines 19-20) and unrelated to "an indication of classification of the audio signal based upon comparison of the ratio and the threshold value." Because the combination of Jiang in view of Boland and in further view of Schuster fails to teach or suggest all the claim limitations as required by MPEP 2142, a rejection under 35 U.S.C. §103(a) cannot be maintained.

Regarding claim 16, Applicant respectfully submits that the proposed combination of references fails to teach, suggest, or disclose at least, for example, "an output indicating a

classification of the audio signal, wherein indicating classification comprises turning on a flag in a header in a packet of digital information, wherein the flag may be used to determine whether the audio signal is mathematically processed further or directed to a receiver," as set forth in Applicant's independent claim 16.

The Applicant appreciates the Examiner's recognition that "Jiang et al. in view of Boland does not disclose wherein classifying the audio signal further comprises turning on a flag in a header of a packet of digital audio information, wherein the flag provides an indication of classification of the audio signal based upon comparison of the ratio and the threshold value." (Office Action, Page 3, Lines 13-16). However, the Applicant disagrees with the Office Action's characterization that "Schuster et al. discloses a voice detection system that uses a header of a packet as an indicator (see col. 1, lines 59-67)." (Office Action, Page 3, Lines 17-18). Nowhere in Schuster is there any mention of a voice detection system. Rather, Schuster discloses a method and apparatus for improving the speed and quality of data communication through a packet switched network." (Schuster, Column 1, Lines 23-25).

Further, nowhere in Schuster is there any mention of "an output indicating a classification of the audio signal, wherein indicating classification comprises turning on a flag in a header in a packet of digital information, wherein the flag may be used to determine whether the audio signal is mathematically processed further or directed to a receiver." Rather, the cited section of Schuster states that "TCP adds to each of these packages a 20 byte header, which includes overhead information such as a source port number, a destination port number and a sequence number designed to allow the receiving end to properly reassemble the datagrams into the original message." (Schuster, Column 1, Lines 61-66). Schuster's disclosure of adding source and destination header information to a datagram is different than "an output indicating a classification of the audio signal, wherein indicating classification comprises turning on a flag in a header in a packet of digital information, wherein the flag may be used to determine whether the audio signal is mathematically processed further or directed to a receiver," as set forth in

Applicant's independent claim 16. The source and destination header information disclosed in Schuster is "information required by TCP/IP for transmission over the Internet" (Schuster, Column 2, Lines 19-20) and unrelated to "indicating a classification of the audio signal." Because the combination of Jiang in view of Boland and in further view of Schuster fails to teach or suggest all the claim limitations as required by MPEP 2142, a rejection under 35 U.S.C. §103(a) cannot be maintained.

The Applicant respectfully submits that, based upon the above, the proposed combination of Jiang, Boland and Schuster fails to teach or suggest by themselves or in combination all of the limitations of Applicant's independent claims 1 and 16, and that the rejections of claim 1 and 16 under 35 U.S.C. §103(a) cannot be maintained. Therefore, Applicant respectfully requests that the rejections of claim 1 and 16 under 35 U.S.C. §103(a), be withdrawn.

Because dependent claims 2-13, 15, 17-19 and 21-23 depend, directly or indirectly, from independent claim 1 or 16, and because claims 1 and 16 are allowable over the proposed combination of references, the Applicant asserts that rejections of dependent claims 2, 5-8, 12-13, 15, 17-19 and 21-23 are now moot. The Applicant asserts that claims 2-13, 15, 17-19 and 21-23 are also allowable over the proposed combination of references and requests that the rejections of claims 2, 5-8, 12-13, 15, 17-19 and 21-23 under 35 U.S.C. §103(a), be withdrawn.

Rejections Under 35 U.S.C. §103(a) – Jiang, Boland, Schuster and Yamada

Claims 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jiang, Boland, Schuster and further in view of Yamada et al. (U.S. Patent No. 6,993,484, hereinafter "Yamada"). The Applicant respectfully traverses the rejection for at least the

following reasons. Claims 3-4 depend from independent claim 1. Applicant believes that claim 1 is allowable over the proposed combination of references, in that Yamada fails to overcome the deficiencies of Jiang, Boland and Schuster, for at least the reasons set forth above. Because claims 3-4 depend from independent claim 1, Applicant respectfully submits that claim 3-4 are allowable over the proposed combination of Jiang, Boland, Schuster and Yamada, as well. Therefore, for at least the reasons set forth above, Applicant respectfully requests that the rejection of claims 3-4 under 35 U.S.C. §103(a) be withdrawn.

Rejections Under 35 U.S.C. §103(a) – Jiang, Boland, Schuster and Manjunath

Claims 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jiang, Boland, Schuster and further in view of Manjunath et al. (U.S. Patent No. 6,691,084, hereinafter "Manjunath"). The Applicant respectfully traverses the rejection for at least the following reasons. Claims 9-11 depend from independent claim 1. Applicant believes that claim 1 is allowable over the proposed combination of references, in that Manjunath fails to overcome the deficiencies of Jiang, Boland and Schuster, for at least the reasons set forth above. Because claims 9-11 depend from independent claim 1, Applicant respectfully submits that claim 9-11 are allowable over the proposed combination of Jiang, Boland, Schuster and Manjunath, as well. Therefore, for at least the reasons set forth above, Applicant respectfully requests that the rejection of claims 9-11 under 35 U.S.C. §103(a) be withdrawn.

The Office Action makes various statements regarding claims 1-13, 15-19 and 21-23, 35 U.S.C. § 103(a), the Jiang reference, the Boland reference, the Schuster reference, the Yamada reference, the Manjunath reference, one of skill in the art, etc. that are now

moot in view of the above amendments and/or arguments. Thus, the Applicants will not address all of such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicant reserves the right to argue additional reasons supporting the allowability of claims 1-13, 15-19 and 21-23 should the need arise in the future.

CONCLUSION

Applicant respectfully submits that claims 1-13, 15-19 and 21-23 are in condition for allowance, and requests that the application be passed to issue.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Date: _January 16, 2008_   Respectfully submitted,

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